

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

Monday, April 18, 1938

The City Council of the City of Lodi met at 8:00 o'clock P.M. of Monday, April 18, 1938. Councilmen Clark, Graffigna, Spooner, Weihe and Steele present, none absent.

The minutes of the last regular meeting held April 4, 1938 were read, approved as read and so endorsed by the Mayor.

This being the first meeting subsequent to the regular municipal election held April 12, 1938, the Clerk submitted a report concerning the conduct of the same, presenting therewith a returns of election as filed with him by the several boards of election and also absent voters' ballots received. The Council then proceeded to canvass returns of election and the absent voters' ballots and on completion of the same, Resolution No. 958 was introduced on motion of Councilman Clark, seconded by Councilman Graffigna.

RESOLUTION NO. 958

RESOLUTION DECLARING RESULT OF ELECTION.

WHEREAS, a general municipal election was held and conducted in the City of Lodi on Tuesday, the 12th day of April, 1938 as required by law;

AND WHEREAS, it appears that notice of said election was duly and legally given, that voting precincts were properly established, that election officers were appointed and election supplies furnished, and that in all respects said election was held and conducted and the votes cast thereat received and canvassed, and the returns thereof, made, determined and declared in time, form and manner as required by the general laws of the State providing for and regulating municipal elections in cities of the fifth and sixth class;

AND WHEREAS, the city council of said City of Lodi met at the council chamber thereof on Monday, the 18th day of April, 1938 to canvass the returns of said election and install the newly elected officers; and whereas the council finds as a result of said canvass that the number of votes cast, the names of the persons voted for, and other matters required by law, to be as hereinafter stated, now therefore it is hereby

RESOLVED, determined and declared as follows:

That said regular municipal election was held and conducted in the City of Lodi, California on Tuesday, the 12th day of April, 1938, in time, form and manner as required by law.

That there were five voting precincts established in said City, for the purpose of holding said election, as follows:

Consolidated Voting Precinct A, consisting of State and County election precincts numbers, 1, 2, 3 and 7 as established for holding state and county elections;

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Consolidated Voting Precinct B, consisting of State and County election precincts numbers 4, 5 6 and 8 as established for holding State and County elections;

Consolidated Voting Precinct C consisting of State and County election precincts 9, 12, 14 and 15;

Consolidated Voting Precinct D consisting of State and County election precincts numbers 10, 11, 13 and 19;

Consolidated Voting Precinct E consisting of State and County election precincts numbers 16, 17 and 18;

That the whole number of votes cast in said City of Lodi at said election was 4,410.

That the names of the persons voted for, the offices for which they were voted, the number of votes received by each of said persons in each of said precincts, together with the whole number of votes which they received in the entire city, are as follows:

Names of Persons voted for	VOTES RECEIVED					TOTAL	A V B O -S T		TOTAL
	Pre- cinct A	Pre- cinct B	Pre- cinct C	Pre- cinct D	Pre- cinct E		E E	N R	
							T S		VOTE
For Councilman, (Full Term)									
Emil F. Graffigna	212	238	166	166	73	855	8		863
G. M. Steele	186	198	152	141	55	732	5		737
Otto A. Weihe	201	224	201	169	78	873	7		880
Ted Barth	81	73	110	59	72	395	0		395
Clifford B. Bull	122	126	142	134	110	634	2		636
Joseph Dotson	89	87	151	82	109	518	1		519
Elmer S. Jones	56	39	112	79	92	378	1		379
Scattering		1				1	0		1
	947	986	1034	830	589	4386	24		4410

RESOLVED, therefore, that at said general municipal election held in the City of Lodi, April 12th, 1938, the following persons were elected to the following offices, respectively;

Emil F. Graffigna was re-elected a member of the city council for the full term of four years from and after Monday, April 18th, 1938 and until his successor is elected and qualified;

G. M. Steele was re-elected a member of the city council for the full term of four years from and after Monday, April 18th, 1938 and until his successor is elected and qualified;

Otto A. Weihe was re-elected a member of the city council for the full term of four years from and after Monday, April 18th, 1938 and until his successor is elected and qualified;

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The foregoing Resolution No. 958 was then passed and adopted by the following vote:

AYES: Councilmen, Clark, Graffigna, Spooner,
Weihe and Steele.
NOES: Councilmen, None.
ABSENT: Councilmen, None.

On motion of Councilman Graffigna, the City Council then adjourned *sine die*.

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After the adjournment of the City Council as set forth in the foregoing, the Clerk called the meeting to order, all members of the council, including those re-elected, being present and administered the oath of office to Messrs. Graffigna, Weihe and Steele, delivering certificates of election to each.

On motion of Councilman Weihe, seconded by Councilman Graffigna, G. M. Steele was nominated to the position of Mayor and by the same motion, nominations were ordered closed and the Clerk declared Mr. Steele elected by unanimous vote. The Mayor then opened the meeting.

Miss Bertha Meyers addressed the Council requesting that the City provide more tennis courts, asking that two more courts be installed and that some requirements be enforced as to the use of the present court. It was suggested that the present courts at the high school might be utilized if provided with adequate lighting. The Mayor appointed Councilman Spooner as a committee to investigate the feasibility and cost of lighting these courts.

Mr. Roy Briggs and Mr. James Gibbons addressed the Council in regard to the poor acoustics at the National Guard Armory. The Clerk was instructed to contact Mr. Albert B. Mann a specialist in acoustical engineering and obtain his advice and estimates as to the cost of remedying the alleged defects.

An invitation was received from the City of Turlock for the Council to attend a regular meeting of the Central Valley Branch of the League of California Municipalities to be held in that City on Thursday, April 21, 1938 at 7:30 o'clock P.M.

The quarterly reports of the City Clerk and the City Treasurer were received and read and copies of the Clerk's report furnished to each of the members of the Council.

Ordinance No. 242 entitled "AN ORDINANCE AMENDING SECTION 4-1.19 OF ORDINANCE NO. 238 (ZONING ORDINANCE)" having been regularly introduced in the City Council on April 4, 1938 after public hearing as required by law had been had before the City Planning Commission of the City was brought up for passage and finally passed and adopted and ordered to print by the following vote:

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AYES: Councilmen, Graffigna, Weihe, Clark,
Spooner and Steele.
NOES: Councilmen, None
ABSENT: Councilmen, None

The Mayor then approved and signed the Ordinance.

At this time the City Attorney presented an application of the Pacific Gas and Electric Company for an indeterminate franchise for the distribution of gas in the City of Lodi and after consideration of the same, Resolution No. 959 was introduced on motion of Councilman Graffigna, seconded by Councilman Weihe.

RESOLUTION NO. 959

RESOLUTION OF INTENTION TO GRANT GAS FRANCHISE

WHEREAS Pacific Gas and Electric Company, a California utility corporation, has filed with the Council of the City of Lodi an application requesting that a franchise be granted to it of the character and for the purposes mentioned in the form of notice hereinafter set forth; and

WHEREAS in the opinion of said Council the public good requires that said franchise be granted;

NOW, THEREFORE, BE IT RESOLVED that said Council intends to grant said franchise, that hearing of objections to the granting thereof will be held at the time and place specified in the form of notice hereinafter set forth which the Clerk of said City is hereby directed to publish at least once within fifteen days after the passage of this resolution in THE LODI TIMES, a newspaper of general circulation within said City, and that said notice shall be in the following words and figures:

"NOTICE OF INTENTION TO GRANT FRANCHISE.

NOTICE IS HEREBY GIVEN that Pacific Gas and Electric Company, a California utility corporation, has filed its application with the Council of the City of Lodi requesting said Council to grant it a franchise for an indeterminate period, as provided in the Franchise Act of 1937, (a) to use; for transmitting and distributing gas within said City for any and all purposes other than those authorized under Section 19 of Article XI of the Constitution of the State of California, as said section existed prior to its amendment on October 10, 1911, all gas pipes and appurtenances which now are or may hereafter be lawfully placed in the public streets, ways and places within said city, and (b) to lay and use in said public streets, ways and places all pipes and appurtenances necessary or proper for said purposes.

If said franchise shall be granted to it, said Pacific Gas and Electric Company, its successors and assigns, hereinafter designated grantee, shall during the life thereof pay to said city two per cent of the gross annual receipts of said grantee arising from the use, operation or possession of said franchise; provided, however, that such payment shall in no event be less than a sum which shall be equivalent to one per cent of the gross annual receipts derived by grantee from the sale of gas within the limits of said city under both the franchise to be granted and the franchise now owned by said grantee by virtue of Section 19 of Article XI of the Constitution of the State of California as said section existed prior to its amendment on October 10, 1911. Said percentage will be paid annually from the

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date of the granting of the franchise applied for and in the event such payment shall not be made said franchise shall be forfeited. Said City Council proposes to grant said franchise for an indeterminate period.

NOTICE IS HEREBY FURTHER GIVEN that any and all persons having any objections to the granting of said franchise may appear before said Council at the City Hall of said city at the hour of 8 p.m. on Monday the 16th day of May, 1938, and be heard thereon; and

NOTICE IS HEREBY FURTHER GIVEN that at any time not later than the hour so set for hearing objections any person interested may make written protest stating objections against the granting of said franchise which protest must be signed by the protestant and delivered to the City Clerk of said City, and the Council shall at the time set for hearing said objections proceed to hear and pass upon all protests so made; and

NOTICE IS HEREBY FURTHER GIVEN that the grantee of said franchise must within five days after the date of granting same file with the Council of said City a bond in the penal sum of one thousand dollars (\$1000.00) running to said City with at least two good and sufficient sureties thereto to be approved by said Council conditioned that such grantee shall well and truly observe, fulfill and perform each and every term and condition of said franchise and that in case of any breach of condition of said bond occurring the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond.

For further particulars reference is hereby made to said application filed as aforesaid in the office of said Council, and also to the resolution adopted on the 18th day of April, 1938 declaring its intention to grant said franchise. Numbered Resolution No. 959.

Dated: April 18, 1938.

By order of the Council of the City of Lodi

City Clerk of the City of Lodi.

The foregoing Resolution No. 959 was then passed and adopted by the following vote:

AYES: Councilmen, Graffigna, Weihe, Clark,
Spooner and Steele.
NOES: Councilmen, None
ABSENT: Councilmen, None

Applications for business licenses No. 9068 to and including No. 9073 were received and licenses ordered granted.

On motion of Councilman Graffigna, seconded by Councilman Weihe, the Mayor was authorized to approve and sign applications for the extension of Works Progress Administration projects No. 8336 and No. 7671.

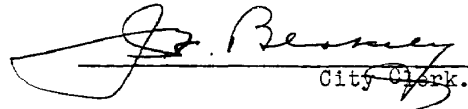
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Eleven applications for building permits No. 2028 to and including No. 2038 for structures to cost \$11,500. were allowed and permits ordered granted.

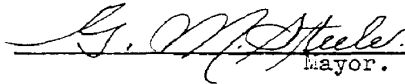
Claims No. 31498 to and including No. 31542 for the semi-monthly payrolls in the amount of \$1,075.29 were allowed and warrants ordered drawn on motion of Councilman Weihe, seconded by Councilman Graffigna and carried.

No further business appearing the Council adjourned on motion of Councilman Weihe, none dissenting.

ATTEST:


City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read and approved without correction at a subsequent meeting of said City Council held May 2, 1938.


Mayor.